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## El Paso City-County Health and Environmental District Memorandum

**DATE:** October 18, 2004

**TO:** MAYOR AND CITY COUNCIL

**FROM:** JORGE C. MAGANA, M.D., F.A.A.P.  
DIRECTOR

**SUBJECT:** CONTRACT BETWEEN THE EL PASO CITY-COUNTY HEALTH &  
ENVIRONMENTAL DISTRICT AND THE TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY (TCEQ)

**SCHEDULED:** Consent Agenda for October 26 2004.

### RECOMMENDED RESOLUTION:

That the Mayor be authorized to sign Amendment Number 1 to Texas Commission on Environmental Quality (TCEQ) Contract No. 582-4-64435 and all related documentation on behalf of the El Paso City County Health and Environmental District. This amendment decreases the total compensation possible from TCEQ and amends the Agreement to allow it to be assigned or terminated upon the dissolution of the District. There is no additional cost to the City-County Health and Environmental District related to this amendment.

### SCOPE OF WORK:

- Health District shall complete all work related to Work Plan activities specified in Exhibit A-21 Local Air Program Work Plan .
- Health District shall provide air pollution control activities to include the following activities:
  1. Comprehensive Compliance Investigations
  2. Complaint Investigations
  3. Pre-Construction/Modification permit Investigations
  4. New Source Review Permit Compliance Investigations
  5. On-Site Burn Investigations
  6. Enforcement Follow-up Investigations
  7. Upset or Maintenance Event (Emissions Event) Investigations
  8. Mobile Source Related Investigations to include vehicle emission controls at used car lots; fuel oxygenate determination investigations and Gasoline Reid Vapor pressure investigations
  9. Vapor Recovery Investigations to include: Stage II test observations; Compliance Evaluation Investigations; Follow-up Investigations and Record Review Investigations.

The intended outcome is the Health District's assistance to the TCEQ in the enforcement of the Clean Air Act.

### BACKGROUND:

This is a contract renewal with the Texas Commission on Environmental Quality.

### FINANCIAL:

Source of Funds: FY 2005	
Texas Commission on Environmental Quality	\$312,573.00
City Grant Match	<u>153,954.00</u>
Total	\$566,527.00

## RESOLUTION

### BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign Amendment Number 1 to Texas Commission on Environmental Quality (TCEQ) Contract No. 582-4-64435 and all related documentation on behalf of the El Paso City-County Health and Environmental District. This amendment decreases the total compensation possible from TCEQ and amends the Agreement to allow it to be assigned or terminated upon the dissolution of the District. There is no additional cost to the City County Health and Environmental District related to this amendment.

ADOPTED THIS 26<sup>th</sup> DAY OF OCTOBER 2004.

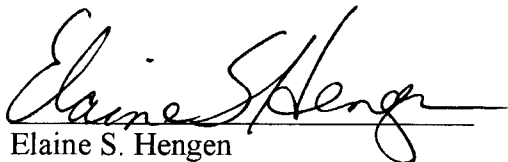
CITY OF EL PASO

\_\_\_\_\_  
Joe Wardy, Mayor

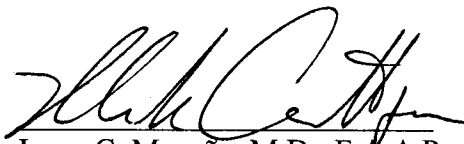
ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

  
Elaine S. Hengen  
Assistant City Attorney

APPROVED AS TO CONTENT

  
Jorge C. Magaña, M.D., F.A.A.P.  
Director, El Paso City-County  
Health and Environmental District

STATE OF TEXAS

COUNTY OF TRAVIS

**Contract Amendment 1**

Both parties to Contract No. 582-4-64435, El Paso City County Health District (hereinafter after called PERFORMING PARTY and the Texas Commission on Environmental Quality (TCEQ), agree to amend said Contract as follows:

**CONTRACT AMOUNT**

The TCEQ and the PERFORMING PARTY agree to amend the contract amount from Six Hundred and Forty Two Thousand, One Hundred and Forty Eight Dollars (\$642,148.00) to Six Hundred and Thirty Three Thousand, Six Hundred and Forty Seven Dollars (\$633,647.00), a decrease of Eight Thousand, Three Hundred and Five Hundred and One Dollars (\$8,501.00).

**CONTRACT BUDGET**

TCEQ and the PERFORMING PARTY agree to amend the Contract Budget to:

Previous Contracted Total	FY 2004	FY 2005	Current Total
\$642,148.00	\$321,074.00	\$312,573.00	\$633,647.00

**WORK PLAN FOR FISCAL YEAR 2005**

The TCEQ and the PERFORMING PARTY agree to amend the Work Plan for fiscal year 2005 specifically Exhibits A-21 and A-22.

All conditions and requirements of Contract 582-4-64436 that are not addressed in Contract Amendment Number One shall remain unchanged and are not affected by this Amendment.

The TCEQ and the PERFORMING PARTY agree to amend the contract to include the following :

ARTICLE 10. ASSIGNMENT AND TERMINATION

In the event that the El Paso City-County Health and Environmental District ceases to exist as a public health district created by the City of El Paso and the County of El Paso pursuant to the provisions in Section 121.041, et seq., Health and Safety Code, the District may at any time prior to the final dissolution of the District and at its option, terminate this agreement or assign the agreement to the City of El Paso should the City establish or intend to establish a local health department pursuant to the provisions in Section 121.031 et seq., Health and Safety Code. Such assignment by the District shall be subject to the acceptance of the assignment by the City of El Paso. Such assignment shall be subject to written acceptance of TCEQ, provided that such acceptance shall not be unreasonably withheld. The failure of the City to establish a local health department or the failure of the City or the TCEQ to accept the assignment of this agreement shall result in the automatic termination of this agreement upon the date of final dissolution of the El Paso City-County Health and Environmental District

In the event of an assignment of the agreement to the City of El Paso, and upon the written acceptance of the assignment by TCEQ, City of El Paso shall be the Performing Party under this agreement. Any payment for performance of services under this agreement that may be due to the District at the time of the effective date of an assignment or upon the termination of this agreement in accordance with this Article shall be paid by TCEQ to the City of El Paso or as otherwise directed in a resolution duly adopted by the El Paso City-County Health and Environmental District.

The undersigned bind themselves to the faithful performance of this Contract:

**TCEQ:**

Texas Commission on Environmental Quality

By: \_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

Date: \_\_\_\_\_

**PERFORMING PARTY:**

El Paso City-County Health District

By: \_\_\_\_\_  
Authorized Signature

Jorge C. Magaña, M. D., F.A.A.P.  
Printed Name

Director  
Title

Date: \_\_\_\_\_

Joe Wardy, Mayor

Date: \_\_\_\_\_

Approved as to Form:

Elaine Hengen  
Elaine Hengen, Assistant City Attorney

Date: 10/12/04

Attest:  
Richard  
Date: \_\_\_\_\_

**SIGN  
HERE**

\_\_\_\_\_  
sen, City Clerk

John M. Tunc  
John M. Tunc, Chairman, Board of Health

Date: \_\_\_\_\_